

PROB 12C
(7/93)

Report Date: March 9, 2011
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

United States District Court

for the

Eastern District of Washington

MAR 09 2011

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Augustus Morris Johnley

Case Number: 2:00CR02001-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 9/15/2000

Original Offense: Attempted Aggravated Sexual Abuse of a Child, 18 U.S.C. § 2241(c); Abusive Sexual
Contact with a Minor, 18 U.S.C. § 2243(a) & 2244(a)(3)

Original Sentence: Prison - 121 Months; TSR - 60 Type of Supervision: Supervised Release
Months

Asst. U.S. Attorney: Robert A. Ellis

Date Supervision Commenced: 10/9/2008

Defense Attorney: Christina Hunt

Date Supervision Expires: 10/8/2013

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

1 **Mandatory Condition #3:** The defendant shall not illegally possess a controlled substance.

Supporting Evidence: Augustus Johnley is considered in violation of his period of supervised release in the Eastern District of Washington by possessing marijuana on or prior to March 3, 2011.

During a random home contact with the defendant, a small amount of suspected marijuana was located on a shelf in his bathroom. Upon further discussion with the defendant he admitted to having additional marijuana in a drawer in his bedroom. The defendant retrieved a sandwich bag sized baggy from a dresser in his room containing a small amount of marijuana.

The Kennewick Police Department was summoned to the residence and took control of the marijuana. They also were able to obtain a verbal search warrant and conducted a search of the defendant's residence. No additional drugs were located. The defendant was booked into the Benton County Jail on a misdemeanor charge of possessing marijuana under 40 grams under case number K11Y53196.

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Standard Condition # 7: The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

Supporting Evidence: Augustus Johnley is considered in violation of his period of supervised release in the Eastern District of Washington by possessing drug paraphernalia on or prior to March 3, 2011.

During the random home contact noted above, two metal pipes were located by the suspected marijuana on the bathroom shelf. The defendant admitted he used them to smoke marijuana. As noted above, the Kennewick Police Department conducted a search of the home and did not locate any additional paraphernalia. The defendant was booked into the Benton County Jail for possessing drug paraphernalia under the same case number noted above.

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Special Condition # 20: The defendant shall have no unsupervised contact, direct or indirect, with minor children under the age of 18, unless another adult of age 25 or older and who is aware of the defendant's criminal convictions is present, and has the written permission of the probation office.

Supporting Evidence: Augustus Johnley is considered in violation of his period of supervised release in the Eastern District of Washington by having unapproved contact with a minor child on or prior to March 8, 2011.

On March 4, 2011, this officer received a phone call noting the defendant had been riding the Ben Franklin Transit contacting at least one underage child on a consistent basis. The individual who had observed the defendant making contact with the child was able to determine what route the child and her mother were traveling on. Contact was made with the mother and child on March 8, 2011, at a bus stop in Kennewick after they exited the bus. A photo was shown to the mother and she confirmed the defendant had been contacting her and her two-year-old daughter on a consistent basis while they were riding the bus. She specifically noted the defendant had given her daughter a coloring book on one occasion and a bag of chips on another. She stated the defendant had invited her daughter to sit next to him on the bus. When questioned if he had invited both of them to sit down she stated only her daughter was invited to sit by him. It was also noted the defendant had placed his arm around her daughter on another occasion. The mother stated the defendant had allowed her daughter to play with his walkman radio.

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The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

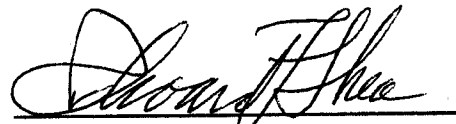
Executed on: 03/09/2011

s/David L. McCary

David L. McCary
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant *JES*
~~☒~~ The Issuance of a Summons
☐ Other


Signature of Judicial Officer

March 9, 2011
Date